

776. The plate of claim 750, in combination with a bone growth promoting material.

777. The plate of claim 776, wherein said bone growth promoting material is at least in part other than bone.

778. The plate of claim 776, wherein said bone growth promoting material is at least in part bone.

3 779. The plate of claim 776, wherein said bone growth promoting material includes at least one of bone morphogenetic protein, hydroxyapatite, and hydroxyapatite tricalcium phosphate.

780. The plate of claim 750, in combination with a bioresorbable material.--.

REMARKS

Applicant cancelled claims 1-101 and added claims 538-725 to further define Applicant's claimed invention. New claims 538-725 are readable on species 1, Figs. 1-7.

In the office action dated December 5, 2001, the Examiner rejected claims 19, 44, 70, and 97 under 35 U.S.C. § 112 (first paragraph) . The Examiner's assumption that Applicant intended to claim "polyglyconate" rather than "polygyconate" is correct. Applicant submits that polyglyconate is supported by the disclosure in original claims 19, 44, 70, and 97. Applicant further submits that the rejection of claims 19, 44, 70, and 97 is rendered moot at least in view of the cancellation of the aforementioned claims.

The Examiner also rejected claims 1-7, 21, 24, 25, 27-29, 55-60, 72, 75, 77-87, 90, 93, and 99 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No.

5,549,612 to Yapp et al.; rejected claims 14-20, 22, 23, 30-35, 38-50, 52-54, 61-71, 73, 74, 88, 89, 91, 92, 94-98, 100, and 101 as being unpatentable over Yapp '612; and rejected claims 8-10 and 13 as being unpatentable over Yapp '612 in view of U.S. Patent No. 5,364,399 to Lowery et al. Applicant submits that the Examiner's rejection of these claims are rendered moot at least in view of the cancellation of the aforementioned claims.

If there are any fees due in connection with the filing of this Amendment, please charge the fee to our Deposit Account 50-1066.

Respectfully submitted,

MARTIN & FERRARO, LLP

Dated: April 5, 2002

By: 

Thomas H. Martin
Registration No. 34,383

14500 Avion Parkway, Suite 300
Chantilly, Virginia 20151-1101
Telephone: (703) 679-9300
Facsimile: (703) 670-9303

PATENT
Attorney Docket No. 101.0056-09000
Customer No. 22882

CHANGES TO THE TITLE

Please amend the title as follows:

~~--ANTERIOR CERVICAL PLATING SYSTEM, INSTRUMENTATION, AND
METHOD OF INSTALLATION--.~~